



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007*

March 1, 2021

**BY ECF**

Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *New York Legal Assistance Grp. v. Board of Immigration Appeals*, No. 18-cv-9495 (PAC)

Dear Judge Crotty:

This Office represents Defendants in the above-captioned action, which Plaintiff brings pursuant to the Freedom of Information Act. I write on behalf of all parties to respectfully request an adjournment of the status conference currently scheduled for March 4, 2021. For the reasons discussed below, the parties respectfully request that the Court adjourn this conference *sine die*.

As the Court is aware, on August 13, 2019, Defendant's motion for summary judgment was granted. *See* Dkt. No. 37. Thereafter, Plaintiff appealed that ruling and, on February 5, 2021, the Second Circuit vacated the Court's summary judgment decision and remanded the action for further proceedings.

However, the mandate from the Court of Appeals will not issue until seven days after the time to petition for rehearing expires. In this case, the parties agree that Defendants have until March 22 to submit such a petition (unless the Defendants seek an extension of that deadline). Accordingly, at the earliest, the mandate of the Court of Appeals will not issue until March 29, 2021.

The parties respectfully submit that they will be in a better position to provide a status update to the Court once the mandate has issued and Defendants have determined whether they are seeking any further review of the decision rendered by the Court of Appeals.<sup>1</sup> Accordingly, the parties propose that they submit a letter to the Court within one week of the mandate issuing

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<sup>1</sup> The decision whether to seek further review must be made by the Acting Solicitor General, who has not yet made that determination.

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and, in that letter, the parties can propose several dates on which they are available for a conference.

The parties thank the Court for its attention to this matter.<sup>2</sup>

Sincerely,

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<sup>2</sup> In any event, the parties respectfully request that the Court adjourn the March 4 conference because, as reflected on the docket sheet, the Assistant United States Attorney previously assigned to this case is no longer with the United States Attorney's Office. The undersigned was only recently assigned to this case and requests this adjournment in order to familiarize himself with the case and confer with the agencies at issue. Accordingly, if the Court denies the parties' proposal, then the parties respectfully request an approximate two week adjournment of the conference. The parties are currently available on March 17, 18 (prior to 3:00 p.m.), and 19. Given one of plaintiff's counsels will be participating from the west coast, the parties respectfully request that any conference be scheduled at 10:00 a.m. or later.